REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed March 21, 2005 (Paper No. 20050304). Claims 1-24 remain pending in the present application. Reconsideration and allowance of the Application and presently pending claims 1-24 are respectfully requested. Applicants should not be presumed to agree with any statements made by the Examiner in the Office Action unless otherwise specifically indicated by Applicants. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

I.   Response to Claim Rejection Under 35 U.S.C. §102

Claims 1-24 stand rejected under 35 U.S.C. §102(e) as allegedly unpatentable over U.S. Patent No. 6,536,041 to *Knudson, et al.*

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A.   Claims 1 and 5

1.   A method for providing a television menu comprising:
receiving a plurality of television channels provided by a respective plurality of television services via a settop terminal (STT);
storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television service;
tuning to one of the plurality of television channels via the STT;
receiving an input signal from a user to provide a television menu;

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responsive to the input signal, identifying a television service corresponding to the tuned television channel currently being provided to the user via the STT; and

providing one of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service for the tuned television channel.

(Emphasis Added)

5.   A programmable television services client device that provides television control services, said client device comprising:

a tuning device for tuning to one of a plurality of television channels provided by a respective plurality of television services;

memory for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television service; and

a processor coupled to said memory that is configured to receive an input signal from a user, responsive to the input signal identify a television service corresponding to the tuned television channel that is currently being provided to the user, *provide one of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service for the tuned television channel.*

(Emphasis Added)

Applicants respectfully submit that *Knudson* fails to teach or disclose the above-emphasized elements of claims 1 and 5. In fact, *Knudson* is directed to interactive television program guides, and more particularly, to units for providing real-time data to supplement the program listings data used in interactive television program guides. The Office Action cited column 10, lines 15-29, which describes the following:

"Sports menu 112 contains today's games option 114 for viewing information on the games that are scheduled to be played that day. What's on now option 116 (shown being selected with highlight region 118) allows the user to view information on the sports events that are currently being broadcast and that are available to the user. Highlights this week option 120 allows the user to view information on sports highlights of the week. Scores option 122 allows the user to view sports scores information, both for games

in progress (using data received by the program guide from real-time data sources 30 in real time) and for games that have concluded (using data received by the program guide and stored in the database maintained by the program guide such as database 53 or database 57)."

Applicants respectfully assert that nowhere does *Knudson* disclose "storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television service; ... providing one of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service for the tuned television channel," as recited in claim 1, and similarly recited in claim 5. Accordingly, a *prima facie* case of anticipation cannot be established based on *Knudson*. Applicants respectfully request that claims 1 and 5 be allowed for at least this reason, among other.

B.   <u>Claims 9, 14, and 23</u>

> 9.   A programmable television services client device that provides television control services, said client device comprising:
>
>   a tuning device for tuning to one of a plurality of television services;
>
>   *memory for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television service*; and
>
>   a processor coupled to said memory that is configured to *receive an input signal corresponding to a menu command*, and responsive to receiving the input signal, identify a television service that is currently being provided to the user, and *provide one of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service*.

(Emphasis Added)

14. A method for providing a television menu comprising:

receiving a plurality of television services via a settop terminal (STT);

storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television service;

tuning to one of the plurality of television services via the STT;

receiving an input signal corresponding to a menu command to provide a television menu based on the tuned television service;

responsive to receiving the input signal, identifying a television service that is currently being provided to the user via the STT; and

providing one of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service that is currently being provided to the user via the STT.

(Emphasis Added)

23. A programmable television services client device that provides television control services, said client device comprising:

means for tuning to one of a plurality of television services;

means for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television service; and

means for receiving an input signal corresponding to a menu command, responsive to the input signal identifying a television service that is currently being provided to the user, *providing one of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service*.

(Emphasis Added)

As mentioned above with reference to claims 1 and 5, *Knudson* is directed to interactive television program guides, and more particularly to units for providing real-time data to

supplement the program listings data used in interactive television program guides. The Office Action cited column 10, lines 15-29, which describes the following:

> "Sports menu 112 contains today's games option 114 for viewing information on the games that are scheduled to be played that day. What's on now option 116 (shown being selected with highlight region 118) allows the user to view information on the sports events that are currently being broadcast and that are available to the user. Highlights this week option 120 allows the user to view information on sports highlights of the week. Scores option 122 allows the user to view sports scores information, both for games in progress (using data received by the program guide from real-time data sources 30 in real time) and for games that have concluded (using data received by the program guide and stored in the database maintained by the program guide such as database 53 or database 57)."

Applicants respectfully assert that nowhere does *Knudson* disclose "storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television service... providing one of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service that is currently being provided to the user via the STT," as recited in claim 14, and similarly recited in claims 9 and 23. Further, *Knudson* fails to disclose a feature of displaying a television menu based on a tuned television service corresponding to a menu command, as recited in claims 9, 14, and 23. Applicants respectfully assert that nowhere does *Knudson* disclose the above-emphasized elements of claims 9, 14, and 23. Accordingly, a *prima facie* case of anticipation cannot be established based on *Knudson*. Applicants respectfully request that claims 9, 14, and 23 be allowed for at least this reason, among other.

C.   Claims 19 and 21

19.   A programmable television services client device that provides television control services, said client device comprising:

a tuning device for tuning to one of a plurality of television channels;

memory for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television channel; and

a processor coupled to said memory that is configured to receive an input signal from a user, responsive to the input signal identify a television channel that is currently being provided to the user, *provide one of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television channel.*

(Emphasis Added)

21.   A programmable television services client device that provides television control services, said client device comprising:

means for tuning to one of a plurality of television channels;

means for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television channel; and

means for receiving an input signal from a user, responsive to the input signal identifying a television channel that is currently being provided to the user, *providing one of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television channel.*

(Emphasis Added)

As mentioned above with reference to claims 1 and 5, *Knudson* is directed to interactive television program guides, and more particularly to units for providing real-time data to supplement the program listings data used in interactive television program guides. The Office Action cited column 10, lines 15-29, which describes the following:

"Sports menu 112 contains today's games option 114 for viewing information on the games that are scheduled to be played that day. What's on now option 116 (shown being selected with highlight region 118) allows the user to view information on the sports events that are currently being broadcast and that are available to the user. Highlights this week option 120 allows the user to view information on sports highlights of the week. Scores option 122 allows the user to view sports scores information, both for games in progress (using data received by the program guide from real-time data sources 30 in real time) and for games that have concluded (using data received by the program guide and stored in the database maintained by the program guide such as database 53 or database 57)."

Applicants respectfully assert that nowhere does *Knudson* disclose the above-emphasized elements of claims 19 and 21. Accordingly, a *prima facie* case of anticipation cannot be established based on *Knudson*. Applicants respectfully request that claims 19 and 21 be allowed for at least this reason, among other.
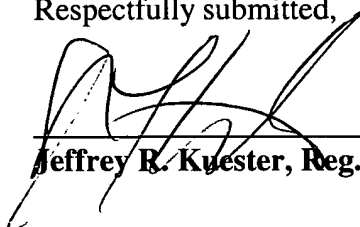
D.   Claims 2-4, 6-8, 10-13, 15-18, 20, 22 and 24

Because independent claims 1, 5, 9, 14, 19, 21, and 23 are allowable over the cited art of record, dependent claims 2-4, 6-8, 10-13, 15-18, 20, 22, and 24 are allowable as a matter of law for at least the reason that dependent claims 2-4, 6-8, 10-13, 15-18, 20, 22, and 24 contain all steps/features/elements of their respective independent base claims. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicants respectfully request that the rejection to dependent claims 2-4, 6-8, 10-13, 15-18, 20, 22, and 24 be withdrawn for this reason alone, among others.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-24 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

Jeffrey R. Kuester, Reg. No. 34,367

THOMAS, KAYDEN,
 HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

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